

Current Trends

Virginia Drug Courts: A Collaborative Approach to Substance Abuse and Criminality

Drug use has shaped the criminal justice system for the past fifty years. The drug-abusing segment of society expanded during the 1980's, as crack cocaine use became more prevalent. Research demonstrates that drug-related crimes are the most common offenses in nearly every locality.ⁱ

Early efforts to address the increasing number of drug cases did little to curtail the use of illicit drugs or to make the system more efficient. The redefinition of criminal codes escalated penalties for possession and distribution, resulting in a doubling of law enforcement efforts and overcrowded jails and prisons. As a response, some localities developed Expedited Drug Case Management systems, which sped up drug case processing by reducing the time between arrest and conviction. However, this approach did little to address the problems of chronic drug use. As offenders overburdened the system, many were not identified as substance-involved, and returned to their communities without referrals to treatment services. If substance abuse was identified, attempts to refer offenders to treatment yielded minimal results, either because of a lack of available services or the absence of cooperative relationships between criminal justice agencies and the treatment service system.

Some jurisdictions began to re-examine the relationship between criminal justice processing and treatment services, and common goals began to emerge – reducing

illicit drug use and criminal activity. Stakeholders recognized that each system possesses unique resources and capabilities that compliment each other and when combined in a collaborative relationship, enhance the effectiveness of drug offender case management. The creation of drug courts, beginning in Miami, Florida in 1989, reflects a national shift from perceiving drug offenders as criminals to viewing them as individuals in need of treatment services within a structured environment. Drug courts endeavor to integrate court-ordered treatment with judicial monitoring and intensive supervision by probation staff. ⁱⁱ Currently there are 275 drug courts operating in 48 of the 50 states, as well as the District of Columbia, Puerto Rico, Guam, Native American Tribal Courts, and one federal district court. ⁱⁱⁱ

A recent study of a national sample of drug court graduates found that the type of offender admitted into the program was correlated to program outcomes. In other words, programs with high recidivism rates are reportedly serving the most difficult to reach populations – typically cocaine and heroin addicts. In contrast, programs with lower recidivism rates are reportedly serving offenders with less severe problems; including participants whose primary drug used is alcohol or marijuana. Additionally, recidivism among drug court graduates appears to be related to the size of the program. Two-year recidivism was higher among graduates of the largest programs, while graduates of smaller programs reoffended less often, 31% vs. 23%, respectively. Further, research demonstrated that characteristics of program participants (i.e., criminal history,

family functioning, etc.) were directly related to recidivism outcomes. Considering the variation among drug courts regarding program structure and target populations, drug courts can and should be expected to have different outcomes for reasons wholly unrelated to the quality of the intervention.^{iv}

Currently there are nineteen drug courts operating in Virginia (12 adult, 4 juvenile, and 3 family courts), with another sixteen in the planning stage. ^v These programs work collaboratively with fifteen Community Services Boards to provide substance abuse treatment services. Though each program is tailored to meet the unique needs of the localities' target population, each program must adhere to ten key components outlined by the federal Drug Court Program Office, as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing;
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights;
3. Eligible participants are identified early and promptly placed in the drug court program;
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
5. Abstinence is monitored by frequent alcohol and other drug testing;
6. A coordinated strategy governs drug court

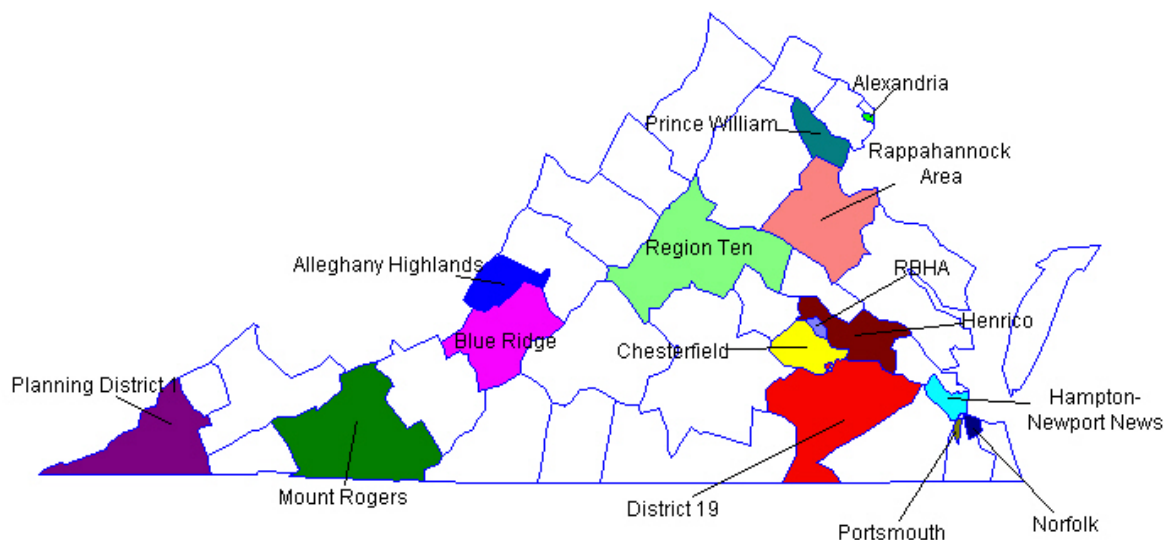
- responses to participants' compliance;
7. Ongoing judicial interaction with each drug court participant is essential;
 8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness;
 9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations; and
 10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Before participation in drug court is offered, the defendant must plead guilty to their charges. However, the court may offer incentives such as reduced charges or sentences in return for the offender's successful completion of the program. Participants agree to frequent urine drug screens (up to three times per week for some clients), and regular attendance in Alcoholics or Narcotics Anonymous. Additionally, the client is required to pay court costs, restitutions, and in some cases, a portion of their treatment fees, and must be employed or in school full-time.

The Office of the Executive Secretary, Supreme Court of Virginia, is currently conducting an evaluation exploring Virginia's drug

court outcomes in partnership with the Department of Criminal Justice Services, Correctional Services Section. The study will employ matched control groups to determine not only recidivism, but other benefits as well. Expected benefits include cost savings when compared to incarceration and traditional substance abuse treatment, more drug-free babies born to formerly addicted mothers, and fewer foster care placements.

For more information on Virginia's drug courts, contact the Office of the Executive Secretary, Supreme Court of Virginia at (804) 786-6455



ⁱ National Association of Drug Court Professionals *Defining Drug Courts: The Key Components*. Washington, DC: US Dept. of Justice, Office of Justice Programs, Drug Courts Program Office (1997)

ⁱⁱ Canadian Centre on Substance Abuse (2000) Drug treatment courts: substance abuse intervention within the justice system, <http://www.ccsa.ca/docs/DrugCourts.htm>

ⁱⁱⁱ Drug Court Clearinghouse and Technical Assistance Project. *Looking At a Decade of Drug Courts*. Washington, DC: US Dept. of Justice, Office of Justice Programs, Drug Courts Program Office (2000)

^{iv} Roman, J.; Townsend, W.; and Bhati, A.S. (2003) *Recidivism Rates for Drug Court Graduates: Nationally Based Estimates, Final Report*. Washington, DC: The Urban Institute.

^v Office of the Executive Secretary. *Summary Report on Virginia's Drug Court Programs*. Richmond, VA: Supreme Court of Virginia and the Department of Criminal Justice Services (2003)